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**U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Matthew-Lane: Hassell,
Plaintiff

V.

Devin Aileen Kimbark
DOES 1 - X
Defendant/(s)

CIVIL ACTION NUMBER: 1:23-cv-472-JL-AJ

U.S. District Court
District of New Hampshire

RESPONSE TO MOTION FOR DISMISSAL WITH PREJUDICE

12 Pages

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8th of December, 2023

- 1) **"DISCLAIMER:** Matthew-Lane: Hassell, agent, (A.K.A. Matthew, A.K.A. Matt) has the knowledge of copyright laws and has observed the copyright symbol(s) contained within what appears to be ALL Books, Codes, References, Reporters, and the like dealing with law, and such a symbol's use and employment in providing notice that the contents therein are the private property of the copyright owner, and Matthew-Lane: Hassell freely admitting that Matthew-Lane: Hassell has neither grant, franchise, license, NOR letter-patent to use said contents, NOR practice the same. Please be advised that ALL Cites thereto, and excerpts therefrom, are utilized and employed herein merely for educational and communicational purposes, to display from where Matthew-Lane: Hassell present understanding inheres from, and , due to the depth of the matter with which this controversy attempts to cover." This is called Fair Use and is allowed for purposes of criticism, news

reporting, teaching and parody which doesn't infringe on copyright under 17 USC 107"

- 2) I, Matthew-Lane: Hassell, agent, in my correct public capacity as beneficiary to the Original Jurisdiction, being of majority age, competent to testify, a self-realized and free sentient man upon the land, a flesh and blood, eternal soul [possessing] being, my yes be yes, my no be no, do affirm and attest under penalty of perjury and under my full commercial liability, that the truths and facts herein are of firsthand personal knowledge and that they are true, correct, complete, not just true and correct, certain and not misleading to the best of my abilities and integrity.)
- 3) Any claim of "immunity" which the government agents could possibly make is a fraud, because if valid, it would prevent removal from office for crimes against the people, which removal is authorized or even mandated under the U.S. Constitution Article 2, Section 4, as well as 18 U.S.C. 241, 242, 42 U.S.C. 1983, 1985, 1986 and state constitutions as well as the Constitution for the United States of America.
- 4) Comes now Matthew-Lane: Hassell hereinafter known as Matthew, a Natural Individual as defined by U.S. Code Title 8 Section 1481 (21), by Special Appearance, for the purpose of settling all Claims and Charges outstanding, and who honorably file this AFFIDAVIT in order to set off settle and close this account.
- 5) Actus non reum facit, nisi mens sit rea. An act does not make a person guilty, unless the intention be also guilty. This maxim applies only to criminal cases; in civil matters it is otherwise. 2 Bouv. Inst. n. 2211.
- 6) Matthew-Lane: Hassell (as defined by N.H. Code of Admin. R. Elec. 202.07) is an Authorized Representative for MATTHEW LANE HASSELL, (a Texas corporation) and is not an attorney but is the holder in due course of the title for the vessel as the expressly designated beneficiary and administrator, so he may be heard by the court in this case, in testimony and may be known through his written word when such is sworn under oath or affirmed and attested under penalty of perjury.
- 7) Matthew-Lane: Hassell is claiming to be a Persona Propria Sui Juris litigant (Claimant); allegations such as those asserted by Claimant(s), however inartfully decreed, are sufficient... which we hold to less stringent standards than formal pleadings drafted by lawyers. Haines -vs.- Kerner, 404 U.S. 519 (Reversed & Remanded), and Woods -vs.- Carey, 525 F3d 886, 889-890 (Reversed & Remanded), and claims Pro Per, in his own person, a rule in pleading that pleas to the jurisdiction of the Court must be pleaded in propria persona, see Kay -vs.- Ehrler, 499 U.S. 432. "...The requirement of standing, however, has a core component derived directly from the Constitution. A plaintiff must allege personal injury fairly traceable to defendant's allegedly unlawful conduct

and likely to be redressed by the requested relief." *Allen v. Wright*, 468 U.S. 737 (1984).

- 8) This is a self-executing contract. Notice to the principal is notice to the agent, notice to the agent is notice to the principal. You are hereby bound to inform all of your superiors and subordinates involved in this matter and which may have future interactions with my person or me. If there is something you do not understand clearly, it is incumbent upon you to summon a superior officer, special prosecutor, federal judge or other competent legal counsel to immediately explain the significance of this instrument as per your duties and obligations in respect to this public formal instrument. You have 3, (three) days from the receipt of this AFFIDAVIT to respond on a point by point basis, via sworn AFFIDAVIT, under full commercial liability, signing under penalty of perjury that the facts contained therein are true, correct, complete and not misleading (*Cujus per errorem dati repetitio est, ejus consult dati donatio est.*). Mere declarations are an insufficient response and a constitutes agreement with the facts stated within the attached AFFIDAVIT and as an complete nullity. If an extension of time is needed to properly answer, please request such in writing. Failure to respond will be deemed *Nihil Dicit Tacit Acquiescence* and acceptance of liability. Traitors, Protestants, Liberals and Heretics take heed for I oppose your causes.
- 9) Matthew is the only authorized representative of the vessel MATTHEW LANE HASSELL A.K.A. MATTHEW LANE HASSELL). *American Banana Co. v. United Fruit Co.*, 213 U.S. 347 (1909). "The very meaning of sovereignty is that the decree of the sovereign makes law. I have made my decree of sovereignty. (*"Praesentia corporis tollit errorem nominis, et veritas nominis tollit errorem demonstrationis*). *Bacon's Max. Reg. 25.*(as was decided in *American Banana Co. v. United Fruit Co.*, 213 U.S. 347 (1909).
- 10) *In aequali jure melior est conditio possidentis*. *Mittf. Eq. Pl.* 215; *Jer. Eq. Jur.* 285; 1 *Madd. Ch. Pr.* 170; *Dig.* 50, 17, 128. *Plowd.* 296. *Baltimore & Ohio Railroad Co. v. United States*, 261 U.S. 592 (1923), is a US Supreme Court case on contract law. The Supreme Court held that an implied in fact contract exists as, "an agreement ... founded upon a meeting of minds, which, although not embodied in an express contract, is inferred, as a fact, from conduct of the parties showing, in the light of the surrounding circumstances, their tacit understanding." (also see *H. Liebes and Co. V. Klengenberg*, (C.C.A. Cal.), 23 F.2nd 611, 612 (1928) and *Lee v. Travelers' Ins. Co. of Hartford Conn.*, 173 S.C. 185, 175 S.E. 429).
- 11) *Trinsey v. Frank J. Pagliaro and Albert Foreman* 229 F. Supp. 647 (1964). "Statements of counsel in brief or argument are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment..." . *Justitia non novit patrem nec matrem, solum veritatem spectat justitia.* 1 *Buls.* 199. Enough said. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955, 1964-65 (2007) The test for determining whether the allegations of

a cause of action are sufficient to assert a claim for relief is whether the allegations give fair notice of the nature and basis of the claim and the relief requested.

12) (Actor qui contra regulam quid adduxit, non est audiendus). He ought not to be heard who advances a proposition contrary to the rules of law.

13) Hale v. Henkel, 201 U.S. 43, 74 (1906) " The individual may stand upon his constitutional rights as a citizen "... (Debet qui juri subjacere ubi delinquit. 3 Co. Inst. 34). I, Matthew, have proven through Stare Decisis, with multiple Superior Court Decisions, which provide the proper Law, to rule, in my favor. (De jure judices, de facto juratores, respondent).

14) Since I am one of the people and the people created the government, the government must abide by my wishes (Derativa potestas non potest esse major primitiva). The power which is derived cannot be greater than that from which it is derived. Stanton v. Stanton, 421 US 7, 10; 95 S Ct 1373, 1376, (1975). (Also see Luther v Borden 48 US 1 12 Led 581) (1849). In praesentia majoris potestatis, minor potestas cessat. Jenk. Cent. 214. Non refert quid notum sit judice si notum non sit in forma judici. 3 Buls. 115. Quod non apparet non est, et non apparet judicialiter ante judicium. 2 Co. Inst. 479.

15) Bryars v. U.S. 273 U.S. 28 (1927) The Constitution is supposed to be enforced and the Constitution should receive a Liberal interpretation in favor of the Citizen. This is especially true with respect to those provisions which were designed to safeguard the Liberty and Security of the Citizen in regard to both person and property which goes hand in hand with the 14th Amendment for fair and equal protection, to be liberally construed in favor of the (competent) Citizen. Actus non reum facit, nisi mens sit rea. 2 Bouv. Inst. n. 2211.

16) 18 U.S. Code § 2076 - Clerk of United States District Court
Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.

17) Yick Wo v Hopkins 118 U.S. 356 (1886) which states "...The Congress cannot revoke the Sovereign power of the people to override their will as thus declared." Perry v. United States, 294 U.S. 330, 353 (1935).

18) I hereby CLAIM my status as a Natural Man, Un Persona Propria Sui Juris, and my minor account. Who has the following rights protected and guaranteed by Treaties and Constitutions, International Laws and my self-determinism.

19) Furthermore Matthew saith not.

20) VOID WHERE PROHIBITED BY LAW.

21) Thus concludes my Testimony.

Comes now, Matthew-Lane; Hassell (here and after, known as Matt and/or Plaintiff), a Propria Persona Sui Juris, who respectfully requests that this Honorable Court, honor the relief sought and states as follows;

Before I answer you MOTION TO DISMISS 12 B 6, (hereinafter known as MOTION) I wish to address 2 simple issues. First, despite what you wish and feel I will always be a part of my daughter's life. You will never have any say in that. If Devin dies, you loose all rights to PH. I am not making threats. I am merely demonstrating that you have no legal rights to her.

The reason I am suing you is because you slander me and insult me and libel me and defame my character at every opportunity and I am tired of your interference. I have tried to be patient and tolerant. You just never stop. You will have to deal with me as long as you want to be part of my (and Devin's) child's life. So why don't you act like me, an adult, and do your best to get along?

Second, realizing I have not been an outstanding citizen, my recent past shows I have made some pretty mature decisions. Devin may not have disclosed this to you but the reason my business fell apart was because I did not want to partake in laundering drug money and employing people illegally.

While Devin may not disclose this, you know her ex-boyfriend Don was a drug dealer. I think we both have reason to suspect that is still true. If Devin is not using drugs, why does she associate with people who deal drugs and use drugs? That is why I 'conditionally refused' the court ordered drug testing unless, as I put it, I was given 'equal protection under the law.' (it even says that in the court paperwork). To go back to my first point, if you and I do not get along and God forbid something happiness to Devin, you and Cheryl lose all rights to PH. So, perhaps you should help me, and your family, by working as hard on getting Devin on the right path as you do fighting me to keep me from my child.

Point 1 of the overview in Mr. Kimbark's MOTION is a duplicate recitation of his wife's Motion and has already been answered not only by the multiple Superior/ Supreme Court's rulings and decisions in my Motion(s) within the State Court but also in the original COMPLAINT and points and authorities section. My response to Mrs. Kimbark will be further proven within this response. Therefore, it is a moot point and no further need to burden the Court and myself is appropriate in this point.

2. Point 2 in your MOTION Mr. Kimbark is just a statement to further make a mockery of these proceedings. I implore Mr. Kimbark to proceed with good faith, as opposed to giving the court further examples of libel and defamation of character. When it comes to the infringement and deprivation of the natural and unalienable god given rights I will seek all legal and lawful remedies, which can be obtained, against all trespassers and conspirators and co-conspirators, until justice is served and I enjoy equal rights to Devin and my child.

3. Point 3 of Mr. Kimbark's Motion appears to be nothing more than retaliation and threatening and intimidating "tactic" to "obstruct justice." Mr. and Mrs. Kimbark and Devin Kimbark (hereinafter known as Devin) made false claims/

police reports to law enforcement and in doing so, did libel and slander me and deprived me of our (Devin and my) child.

I had no choice but to file in the courts. Devin took the minor child and refused to allow me visits and still does. Devin denied me natural rights to the minor child. I had no choice but to involve the courts when I had exhausted all other remedies. Just like now, a year later, Devin and you still work diligently to deprive me of the minor child and you and Cheryl treat me with hostility every time I “impose” on you and your family. Why should a father have to go to the courts to get equal access to the child? I am not convicted of any crime. I am neither on parole nor probation and I am still treated with hostility. You (and Cheryl) paid for Devin’s attorney and then what did they do? Devin was “advised” to not speak to me until court. I did all a reasonable man could.

4. Point 4 is just more libel and slander and defamation of character of my good name. If any of what you were saying was even slightly true, you should seek legal action against me. You don’t because your statements are hearsay, i.e.; biased and unprovable. You have no evidence of your claims. That makes those statements libel and defamation of character, further proving my claim. Why would Devin contest each and every evidentiary hearing I have asked for and why has this allegation never come up before?

5. The only thing that needs to be addressed in point 5 of your MOTION is, do you grasp very basic legal concepts Mr. Kimbark? Was your oath to defend and protect the U.S. Constitution? Isn’t it true, that you are in the Navy (Ret.) and still bound by that oath? So how can you appear in a federal court (Federal Oath) and deny me equal protection under the law, to see my own child? You have no interest at all. You are not blood. Show me where grandparents have more rights to a child than the parent?

Do you comprehend the statistics which I entered into the court record which prove the minor child is being put at every statistical disadvantage by being denied fair parenting time with me? I have only sought 50/50 custody in this matter from the start. Devin cannot prove she is competent in child rearing matters. You and Cheryl are aiding her in being irresponsible. Can Devin support herself without others financing her?

6. In point 6 Mr. Kimbark in your “basic definition”... the only question is why is my legal issues any of your business? You are an intervener and an interloper. You have no legal rights to the child. So what business is it of yours?

7. In point 7 of your MOTION, Mr. Kimbark further libels me, which would be a perjury charge, but again, nothing he says is under penalty of perjury, which makes it all hearsay. And let’s thank God for that. Mr. Kimbark claims that I “kicked the mother of my child out in the cold of November 16th, 2022, with nothing but the clothes on their backs...” Is that true? Or is it what you say in the Historical Section Part A. 1. You claim “Mr. Hassell would not allow Devin Kimbark to leave...” so, which is it? Why should anyone believe anything you say? Again, thank God this was not under penalty of perjury. Perhaps you do not grasp very basic legal concepts, Devin’s name was not on the lease, so she had no legal rights to enter the apartment. Devin has been

violent with me on previous occasions, so it was in my best interest not to allow her into the apartment. You and Cheryl made false accusations to the police department which injured me and of which I have not been prosecuted, which proves my claim that you and each of you defamed my good name.

8. Point 8 of your MOTION Mr. Kimbark, again I state, who are you to question my being a loving and caring father? Perhaps you could explain by what standard you make your claims. You are the one constantly verbally threatening me and insulting me. All I am doing is dealing with the courts to ensure equal access to the minor child. It is the judges who are in violation of their oath of office by denying me equal protection under the law for the past year. You and your "family" are taking advantage of that. I guess one oath breaker defends another, so I will leave the issues to the federal court. Remind me again, why it's any of your concern?

9. Point 9 of your MOTION Mr. Kimbark, are you Devin's accountant? I hate to be redundant to the honorable court, but why is any of this any of your concern? You and your wife brought yourselves into this. You insult me, you wrote such insults against me and if you would just mind your own business you would not be in court hearings. Devin has been on vacation and gets her nails done and tattoos and hair colored. She is not destitute, so again, why does this concern you?

10. Point 10 of your MOTION, I do believe is the same as your wife's red herring fallacy. I implore you to read the response given to your wife for a better intelligent comprehension, otherwise it shall be heard by the Jury, but I do agree with you about your "limited knowledge." As with the so many of your claims, because you have no "firsthand knowledge" of anything that you claim, but only "hearsay knowledge," it appears to me that all you want to do is to libel and defame my good name while presenting 'slander' as "knowledge."

11. Point 11 of your MOTION appears to be nothing more than retaliation and threats to intimidate me. Your statements prove you insult and libel and defame my good name and further proves you (Mr. Kimbark) do not act in honor nor good faith and openly slander and libel me a "deadbeat Father" in your document, which is a major reason why I am suing you. You just keep giving me more evidence.

12. Point 12 of your MOTION claims BELL et al. vs. HOOD et al. 66 S.Ct. 773 (1946) is not applicable to your family as no one was arrested and no items were searched and seized from my home..... The fact is Mr. Kimbark, our (Devin and my) child has been seized from me and this was done without due process of law and without a valid warrant or at least without an affidavit in support of such which resulted in a significant deprivation of my rights.

13. Point 13 of your MOTION is laughable. Can you prove that my reason is because of what you think it is? Perhaps you should read the constitution (after all, you did swear an oath to defend and protect it). When the family court judges denied me due process and then later denied me equal protection of the

law, as I state in my original "complaint," may actually be the reason I filed suit against them. As for you, reread your motion to dismiss and count the number of times you have insulted me and assaulted (verbal) me. Perhaps, like the original "complaint" states, that is the reason I am suing you.

l) Culpa est immiscere se rei ad se non pertinenti. It is a fault to meddle with what does not belong to or does not concern you. Dig. 50, 17, 36.

14. Point 14 of your MOTION Mr. Kimbark perhaps I was not clear. It is a Maxim of law, Non refert an quis assensum suum praefert verbis, an rebus ipsis et factis. It is immaterial whether a man gives his assent by words or by acts and deeds. 10 Co. 52. You paid an attorney who contested my right to due process and my right to an evidentiary hearing. So, in that way you and your family did deny me a constitutionally protected right to due process.

15. Point 15 of your MOTION Mr. Kimbark, The reason I mentioned the 'Sunshine Act' U.S.C.A. Title 5 Section 552H (b) is that such establishes that now the burden shifts to the judge (and other defendants) to prove his (the judge's) denial of equal protection of the law, denial of due process and violations of other rights of mine, which the judge committed, are part of his job.

That may or may not blanket you from civil liabilities. I contend they do not. However, in accordance with the 'Sunshine Act' (Title 5 U.S. Code Section 552h (b)), the burden is now on the judge (and you) to prove he was protected and his actions are part of his job description. Your burden of proof is that all the defamatory and libelous claims you have made are true. The U.S.C.A. puts the burden on the agency to justify its action.

I am suing you on your individual capacity. You chose to make false allegations against me. You chose to support your daughter and deny me fair and equal access to the child. I have shared statistics, which prove how poorly children raised by single mothers have done over the past few decades and still you are here today, fighting me so when you win, you and Devin and Mrs. Kimbark put the minor child at the worst possible statistical chance to grow up happy and 'normal.'

The simple things I am asking the lower court for is fair. I want equal time with my daughter. Both the New Hampshire and the United States constitutions protect it and you and your family deny me that basic right, yet you say I am not acting in good faith? You are failing as a person. If I was the monster (you and your family have said I am) and denied Devin rights to the child, you would beg me and then you would call police and then you would go to the courts, just like I did. I exhausted remedy before I filed with the courts. The fact is that you and your family are dishonorable to deny a loving father the rights and responsibilities of the minor child's care and protection. The moment that things got tough for Devin and I, you teach her to run, to be irresponsible and disloyal and you spoke poorly of me and filed false reports.

16. Point 16 of your MOTION Mr. Kimbark, Are you claiming your wife (Cheryl) did not call the police as you drove over to Devin and my place? You still cannot get your story straight as proven earlier. I did nothing wrong, it was Devin's car's battery and you still are blaming me for "not allowing her to leave". Read this

paperwork again. It is riddled with more false accusations and defamatory statements.

17. Point 17 of your MOTION Mr. Kimbark, I look forward to obtaining the body camera footage of the officers involved in the incident. It will lead to proof that you slandered my good name. I understand there is only an incident report and if that is incorrectly stated, feel free to use this to correct that record. I do have evidence that your wife misrepresented me on the phone call, which is slander.

18. Point 18 of your MOTION MR. Kimbark, your reference "I make reference to the "fact" that "we" (It is assumed you mean yourself and Mrs. Kimbark and Devin Kimbark) on how the courts decide visitation, at this point this is outside "our" (again, it is assumed you are talking about the 3 of you) judgment and fully in the hands of family court. It appears by Prima Facie Evidence you acknowledge you personally have seen fit to usurp authority and manifested control of what should be, equal and fair custody to Devin and my child and have deprived me of such.

Now you think you can give this "authority/control" you feel you are entitled to, to the "State Court". The State Court, as I have tried to remedy in, has proven they only act with bias and prejudice and impartial judgments because family court agents are paid to do so through the Social Security Act - Title IV-D Section 458 "Incentive Payments to State".

19. Point 19 is just a further attempt on your behalf Mr. Kimbark to misrepresent the truth. I conditionally accepted the "mental evaluation" on the same terms as the drug testing, fair and equal protection under the law, i.e., that Devin be given the same evaluation. The fact is putting myself into further financial and mental and emotional burden(s) and stress by some pseudo-science evaluation, that was only attempted to be 'forced' (pushed, recommended) upon me by the Officer of the Court Jennifer L. DiTrapano, that you finance is unjust.

The misrepresentation that I allegedly said the court did not have jurisdiction over my sentient being, is just another misrepresentation. The judge did not hold me in contempt for not doing either of these tests and did not enforce them, so why are you still insisting it is an issue? You just take any offer to slander and libel my good name, which is after all, why we are here today.

I again ask, why doesn't Devin consent to such fairness and equality and why are you not questioning her on such a claim as you do me? It could be asked; if Devin wanted to work in good faith and honor and be a good mother, why does she not accept these conditions? Your "double standards" prove examples that all of you lack integrity and are not acting in good faith.

20. Point 20 of your MOTION is just another fallacy narrative and has been answered and will be answered again to the Jury. Your narratives to libel and slander me and deprive me of our (Devin and my) child is simply deplorable and insidious and nefarious at this point. I have texts and messages proving Diligently sought visitation and was repeatedly denied such by Devin, so again, if it is lack of character or whatever you are insinuating, it is sourced in Devin. I also feared being arrested due to the restraining order, which was filed and not

supported by truth and evidence. Is that still in place? Are you and your family still telling law enforcement I am dangerous?

21. Point 21 of your MOTION, I really hate being so redundant, but you claim; "He is a danger to anyone that is around him." Without any proof offered, is just another attack by you to defame my good name (another incident of libel and defamation of character, exactly why I am suing you). Show me and/ or the court, one proper warrant for any of those arrests. You can subpoena the police for proof. In the end you will see; a) that all but 4 of those were over a decade ago and; b) that all of those arrests and each of those were false arrests and void for lack of due process of law in that they and each of them lack(ed) a proper warrant and; c) I am not on parole or probation and never served any lengthy time for any of those. In simple words for simple minds, I am not a danger to anyone around me. I have learned my lesson and paid my debts to society without being incarcerated for more than the initial arrest.

22. In point 22 of your MOTION Mr. Kimbark I implore you to read such response. Your seemingly drunken phone call at 11pm at night is not an act done in good faith. My response to your call was made to you in writing. The certified letter was picked up on the 17th and you have not responded back to that written communication. I contend, given these "facts", that your actions do not amount to and/or show you (or Mrs. Kimbark) have actually made any "good faith" effort to remedy the controversy. The actions of the past year show the opposite instead.

23. In point 23 of your MOTION Mr. Kimbark you are attempting to manipulate my words as a threat. Your feelings are not factual. You adopted Devin Kimbark and she carries your namesake. That still does not make her biologically yours. As it was fully stated "Here is your greatest problem, which makes you look less than sincere; you would do a lot for a step-daughter, (Devin) is not even your daughter. Imagine how much more I am willing to do for a daughter, which is mine?

I understand Mr. Kimbark is a true father. He has sons with Devin's mother. My statement was pure and honest, his reaction shows more to his character than mine. Look at what I am doing for my daughter. I put up with his continual insults. I endure his constant written attacks against my character. I fight in court against all odds to get equal access to my child. I take extra time off work to research laws and codes and legal issues and find statistics and studies to prove the child will be better off with both parents than 4 hours a week supervised. I sacrifice and work relentlessly to achieve fairness.

The question isn't am I willing to kill or whatever dark secrets Mr. Kimbark lives with, but the question is why should any father have to endure any of this to see his child? Imagine what I am willing to do to see my daughter. I am learning law so I can defend my rights. Imagine anything I do is seen as dark in Mr. Kimbark's eyes. Perhaps he should look into his own soul and stop fighting me and start fighting his own demons.

24. In point 24 of your MOTION you claim to be a grandfather but nowhere in the paperwork do you claim to be a good parent. I found that odd. You present yourself as an outstanding member of society, a football/ lacrosse/ basketball coach, a Scout Leader and a United States Navy veteran. Do you take showers with the athletes and feel warm and fuzzy when you see their naked muscular bodies as they shower? Do you have winter campouts and let one or two of the boys climb in your sleeping bag, you know. "just to keep warm" on those cold winter nights? SEE? You are getting angry with me for even insinuating things like that. It is outrageous and wrong. Forgive me for saying such to make my point. I know you are a commendable gentleman. I know you are a highly respected member of society. I would never make up lies like those about you nor against you.

Just as those statements are offensive and derogatory, so is and so are the many statements you made about me. Read this again and count how many times you made defamatory, inflammatory, unsubstantiated and unprovable claims against me. The statement you made about me... claiming again, "Mr. Hassell is a threat to anyone that is around him including his daughter." TWICE IN THE SAME DOCUMENT proving malice and forethought, proving willful and wanton action. In a lawsuit for defamation of character and libel you defamed me multiple times and then have the audacity to say my claim is "frivolous" when you prove me correct multiple times in your MOTION TO DISMISS.

If you insult me one more time in any future court document, without substantial proof such statement is true, correct, complete and not misleading, I will ask the court for summary judgment and additional punitive damages.

WHEREFORE, Petitioner, Matthew-Lane: Hassell, a Propria Persona Sui Juris, respectfully demand and instruct that this Honorable Court Honor and Order the following relief:

- A. That this honorable court deny Mr. Kimbark's MOTION TO DISMISS WITH PREJUDICE based on the papers and pleadings on file. Mr. Kimbark did not even authenticate his pleading under penalty of perjury and so his requested relief must be denied.
- B. That this honorable court grant temporary relief of unsupervised visitation with the minor child each weekend until these matters can be resolved fully from Friday evening at 6:00 P.M. until Sunday evening at 6:00 P.M.
- C. That this honorable court sanction Mr. Kimbark for his defamatory statements made in his MOTION TO DISMISS WITH PREJUDICE and order him to cease and desist any such future claims lest Plaintiff be granted Summary Judgment without recourse.
- D. That this honorable court reduce child support payments to \$200.00 per month until such time as the court can reach a final decision on the issues presented in the papers and pleadings on file. If Mr. Hassell should

lose this tort, all such payments be totaled any under payments be set to judgment as arrears.

The reason for this request is the amount of child support orders is at the maximum amount allowed by law and is causing Mr. Hassell financial hardship while the mother Devin Kimbark has not provided credible proof of financial expenses to substantiate the award. She resides with her parents and has not proven expenses.

- E. That any future filings which Mr. Kimbark makes, which are not under penalty of perjury be stricken from the record by this honorable court.
- F. Deny Defendant Mr. Kimbark the requested additional 60 days to provide an official 'Answer to Claims', and since Defendant has failed to act with honor and good faith, no good faith offer from Plaintiff is awarded and/or offered to Defendant respecting N.H. Rules of Civil Procedure 1, which authorizes a need for speed resolution;
- G. Honor any such further relief(s) as justice may require.

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VOID WHERE PROHIBITED BY LAW

Matthew-Lane: Hassell

DATED: 8th of December, 2023

Matthew-Lane: Hassell authorized agent of

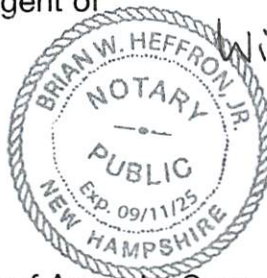
MATTHEW LANE HASSELL

20 Arlington St. Unit D

Nashua, New Hampshire [03104]

(603) 231-0844

mhas191@yahoo.com



Witnessed by: Brian Heffron Jr.
Notary Public
New Hampshire
Hillsborough County
[Signature]

Platsky v. C.I.A. United States Court of Appeals, Second Circuit Nov 24, 1991, 1953 F.2d 26 (2d Cir. 1991). Reversing district court for dismissing pro se complaint for lack of standing without explaining formalities of pleading and affording pro se plaintiff an opportunity to replead.

12/8/2023

New Hampshire State Constitution

Article 3. [Society, its Organization and Purposes.] When men enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others; and, without such an equivalent, the surrender is void.

Article 4. [Rights of Conscience Unalienable.] Among the natural rights, some are, in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the Rights of Conscience.

June 2, 1784

I certify that a copy of the above mentioned motion has been hand delivered and/or sent by USPS mail to Mark Edward Kimbark.